

Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: 2011-104

1. Requested Motion:

Meeting Date: 9/26/11

Approve Release of Liens relating to Code Enforcement Case No. CE 2000-770 and Case No. CE2004-004F for property located at 126 Palermo Circle, Fort Myers Beach, FL upon payment to the Town of a fine in the amount of \$200.00.

Why the action is necessary: The Town recorded Code Enforcement Liens with respect to code violations on property located at 126 Palermo Circle, Fort Myers Beach, FL. The property owner, at the time the violations occurred and when the lien was recorded was David Elgleson, Jr. The Code Enforcement statute (Chapter 162, Florida Statutes) provides that only the governing body can compromise and release a code enforcement lien. The property is in compliance and the fines to date total \$228,575.00.

What the action accomplishes: Authorizes the Mayor and Town Clerk to execute a Release of Lien.

2. Agenda:

3. Requirement/Purpose:

4. Submitter of Information:

☐ Consent
☒ Administrative

☐ Resolution
☐ Ordinance
☒ Other


☐ Council
☐ Town Staff
☒ Town Attorney

5. Background: The Town recorded Code Enforcement Liens against property located at 126 Palermo Circle, Fort Myers Beach, FL for a fence that was in need of repair, overgrown grass and trash. Copies of the Code Enforcement Liens are attached. The subject property is in compliance and the fines currently total \$96,725 for Case No. 2000-770 and \$131,850 for Case No. 2004-004F. The owner's representative has submitted copies of invoices indicating that work was done on the property to bring it into compliance shortly after the fine began to run for each lien. If those invoices are valid and accurate, the actual fine due for Case No. 2000-770 is \$50.00 and the fine for Case No. 2004-004F would be \$150.00.

6. Alternative Action: Do not release the lien.

7. Management Recommendations: Release the lien upon payment of a fine in the amount of \$200.00.

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

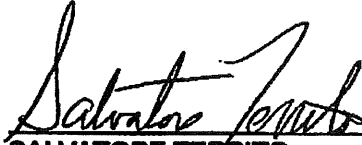
9. Council Action:

☐ Approved ☐ Denied ☐ Deferred ☐ Other

\$500 Daily - 2/21/2001

Upon recording in the public records, this Order shall constitute a lien against all real and personal property of Respondent, including but not limited to the property described on the attached exhibit, and subsequent foreclosure of such lien may result in the loss of such property.

DONE AND ORDERED at Town of Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Lee County, Florida on **February 21, 2001**.

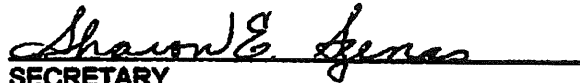


SALVATORE TERRITO
Hearing Examiner of Lee County, Florida
in and for the Town of Fort Myers Beach, Florida

APPEAL: An aggrieved party may appeal this Order of the Hearing Examiner to the Circuit Court. The appeal shall be limited to appellate review of the record created before the Hearing Examiner. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

CERTIFICATE OF SERVICE

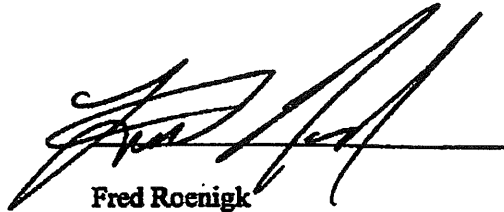
I hereby certify that a copy of the foregoing has been sent by U.S. Mail to David Elgleson, Jr., 540 Landfair Avenue, Apt. 9, Los Angeles, CA 90024; Bobbie Laishley, Century 21, 5690 Estero Blvd., Ft. Myers Beach, FL 33931; Dick Roosa, Esq., Town of Fort Myers Beach, P. O. Box 3077, Ft. Myers Beach, FL 33932; and by interoffice mail or hand delivery to Lee County Development Services Division (Code Enforcement) on February 23, 2001.



SECRETARY
LEE COUNTY HEARING EXAMINER'S OFFICE
P.O. BOX 398
FT. MYERS, FL 33902-0398

FOR RECORDING ONLY

I hereby certify that as an agent of the Lee County Development Services Division, the Office to whose custody the original is entrusted, this is a true and correct copy of the document maintained on file in the Code Enforcement records of Lee County, Florida.



**Fred Roenigk
Code Enforcement Officer
Development Services Division**

**Please return to: LEE COUNTY ATTORNEY'S OFFICE
P.O. Box 398
Fort Myers, Fl. 33902-0398**

2000-770

DR MK 03391 PB 0947

INVOICE

ANTHONY LaCORTE 941-992-2942
 CAPENTRY - SIDING - SOFFIT
 PO Box 9502
 Bonita Springs, FLA

No. 1246

INVOICE DATE

2-23-01

CUSTOMER'S
ORDER NO.

SOLD TO:

C-21 Realty - Eagleson
 126 Palermo Cr.
 Emb, FL

SHIP TO:

SALES PERSON

SHIPPED VIA

TERMS

F.O.B.

QTY. ORDERED

QTY. SHIPPED

DESCRIPTION

UNIT

AMOUNT

Repair two Sections of
 fence and clean trash
 and cut grass

\$700.00

work done ~~at~~ on
 2-23-01

PO #1700
 check #1899

total

\$1200.00

* FWR GR # 2000-770

432



INSTR # 6414788
OR BK 04410 Pgs 2861 - 2864; (4pgs)
RECORDED 08/27/2004 08:49:22 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 35.50
DEPUTY CLERK L Ambrosio

PARCEL #: 19-46-24-W4-0060A.0360

THIS SPACE FOR RECORDING

BEFORE THE HEARING EXAMINER
FOR
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH, FLORIDA
Petitioner,
vs.

CASE NO.: 2004-004F

DAVID ELGLESON, JR.
Respondent

Same Owner

CODE ENFORCEMENT ORDER

THIS CASE was first heard by the undersigned Lee County Hearing Examiner at a public hearing on April 13, 2004, after which an Order was entered which found that a violation existed on the subject property and required the Respondent, DAVID ELGLESON, JR., as the responsible person or entity, to complete certain actions that would abate the violation by a date certain or face the imposition of a specified fine.

On, JULY 7, 2004, the Hearing Examiner received competent evidence that the violation had not been abated in accord with the above Order, and therefore finds and decides:

1. That the above-noted Order has not been complied with; and
2. That the violation still exists on the subject property; and.
3. That the Respondent paid the prosecution costs in the amount of \$100.00 that were due and owing to the County per Chapter 162, Florida Statutes.

flo.cspd.7/13/04

VIOL.??

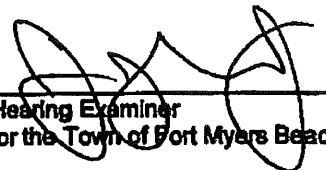
*UNABATED - Party
\$100.00 - Prosec Cost
\$50.00 Daily - July 7th / 2004*

(Currenty - Viol - Fence Dilapidated)

It is ORDERED that Respondent pay to the Town of Fort Myers Beach, Lee County, Florida, a fine of \$50.00 per day, beginning on JULY 7, 2004, and continuing for each and every day that the aforesaid violation exists and continues on the property located, as reported by the Petitioner, at 126 PALERMO CIRCLE, FORT MYERS BEACH, FLORIDA.

Upon recording in the public records, this Order shall constitute a lien for the fine amount against all real and personal property of Respondent, including but not limited to the property described on the attached exhibit, and subsequent foreclosure of such lien may result in the loss of such property.

DONE AND ORDERED at 1500 Monroe Street, Second Floor, Fort Myers, Lee County, Florida on JULY 7, 2004.


Hearing Examiner
for the Town of Fort Myers Beach, Florida

APPEAL: An aggrieved party may appeal an Order of the Hearing Examiner of Lee County to the Circuit Court. The appeal shall be limited to appellate review of the record created before the Hearing Examiner. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

CERTIFICATE OF SERVICE

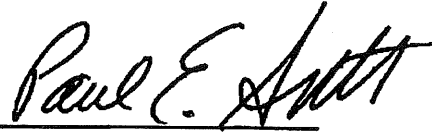
I hereby certify that a copy of the foregoing has been sent by U.S. Mail to RESPONDENT ; and Dick Roosa, Esq., Town of Fort Myers Beach, 2523 Estero Blvd., Fort Myers Beach, FL 33931; and by hand delivery to Lee County Development Services Division (Code Enforcement), on JULY 9, 2004.


Legal Assistant to the Hearing Examiner
for the Town of Fort Myers Beach, Florida

f1o.cspd.7/13/04

FOR RECORDING ONLY

I hereby certify that as an agent of the Lee County Development Services Division, the Office to whose custody the original is entrusted, this is a true and correct copy of the document maintained on file in the Code Enforcement records of Lee County, Florida.

A handwritten signature in black ink, reading "Paul E. Smith", written over a horizontal line.

**Paul E. Smith
Senior Code Enforcement Officer
Development Services Division**

**Please return to: Richard Roosa, Attorney
Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33932**

Date: July 10, 2004

INVOICE

Address: D. Eagleson, 126 Palermo, Ft. Myers Beach,
Florida 33931

Invoice Amount: \$250.00

Fix, Support Fence on West Side of
Property.

Make Check Payable To: Frank Meyerson

PAID July 10, 2004
CASH

*FMB CASH # 2004-004F
FR